

# DCFS Weekly Update From the State Office

Monday, April 30, 2001

## Letter to the Governor from Concerned Citizens

*By Richard Anderson*

You may have heard or read about the letter that was delivered to the Governor's office last week by people asking for another overhaul of DCFS. I wanted to briefly address this letter in our update to make sure that you know of the concerns expressed (a copy of the letter was sent to all Region Directors to be available to anyone who would like to read it).

First, let me say that DCFS needs to be open to all concerns. We must be open to any issues that question the public trust we have been given. We must also be on the lookout for anything that can help us improve the vital services we deliver. The key to having effective change is going about it in a manner that will promote honest, open exchange and trust. Any other way will not provide an atmosphere that creates and promotes the services that children and families need in their time of crisis. We must approach division improvements with the same feelings and strategies that promote positive change for children and families. What follows is a list of key points of the letter that was supported by several individuals and legislators:

- Conduct an "independent audit" of DCFS and the Guardian ad Litem.
- Create an independent committee consisting of lay people from the community with total autonomy from the state--no present or former state employees. This committee would have the power to access, review, and audit all cases handled by CPS and cases requiring an attorney for the child. Parents would be able to appeal to this committee and give testimony without cost. The committee would also conduct a yearly review of DCFS.
- Disband the Guardian ad Litem's Office--the courts can appoint independent attorneys.
- State child protection employees, Guardians ad Litem, and assistant Attorneys General must be held "civilly and personally liable if they commit perjury, fraud, fabricate or fail to disclose evidence or exert undue influence to obtain testimony."
- The "financial incentive to kidnap our children" (more children taken into state's custody means more federal dollars) needs to be replaced with a financial reward for reuniting families. (We've contacted several other states and learned of changes made to child welfare systems that have proved successful. These need to be studied and incorporated into ours.)
- Want a voice in the selection of a new director of DCFS.
- Fundamental right to trial by jury must be restored in the juvenile and family courts to allow for due process. The recently released government report entitled "Child Maltreatment 1999" claims that more than 40 percent of nearly 9,000 child abuse victims in Utah in 1999 were emotionally or psychologically abused--far above the national average of about 8 percent.

The governor has publicly shown his support for us regarding this letter (see article from [The Salt Lake Tribune](#) that follows) as have those in key positions who know our work. While there will always be things we can learn from any feedback we receive, as long as we continue to implement Practice Model principles and do our work in the very best way we possibly can, we cannot help but promote the honest, open

exchange, trust, and goodwill we need to be able to do the important work we are here to do.

## Leavitt Defends State Child-Welfare Agency

*By Carol Sisco*

The following article by Ashley Estes appeared on Friday, April 27, 2001 in The Salt Lake Tribune:

Saying he believes Utah is "doing the best we can to protect children," Gov. Mike Leavitt defended the state's child welfare system Thursday in response to a letter blasting the agencies involved.

Leavitt, speaking at his monthly news conference at KUED-TV, said he found the letter "ironic," considering the state is trying to meet the terms of a legal agreement stemming from a lawsuit alleging caseworkers move too slowly to protect children.

"We now are receiving a similar kind of response from the other side of this issue, saying that the state responds too quickly," he said.

The letter was signed by 22 concerned citizens, including seven lawmakers. It asked for drastic changes in the state's child welfare system, including disbanding the guardian ad litem's office and an independent audit of that office and the Division of Child and Family Services.

The letter, delivered to Leavitt's office Wednesday, alleged caseworkers illegally remove children, trying to build a case against parents based on such charges as the presence of cockroaches and dirty dishes.

Leavitt said there have been too many audits already, and the guardian ad litem's office serves an important function by representing children's best interest in court. "It needs to be there," he said.

"I don't question that there are times when the judgments of human beings are flawed, and they may act too quickly or too slowly," he said. "We lament in each case that that happens. But we are doing the best we can to protect children and recognize the need for us to work to preserve families as well."

Jolaine Moffett, who wrote the letter, said Leavitt's remarks sound "like a bunch of political double-talk. It doesn't make a whole lot of sense."

Moffett, who is associated with several child welfare advocacy groups, said she plans to meet next week with a representative from the federal government and has been asked to collect parents' stories regarding the Division of Child and Family Services.

"There will be an investigation," she said, but declined to identify the representative.

Leavitt acknowledged child welfare is an emotional issue.

"Everyone wants to protect children, everyone wants to secure families, but every one of these situations boil down to a complex set of facts, and they're almost always disputed."

The governor noted that the number of Utah children in protective custody or foster care has dropped by about 300 in the past year or so, to about 2,100.

"In every one of those cases, it's responding to a situation where people of judgment . . . felt that the children were in some danger."

Moffett said she's heard several different figures from officials. "How many children have been removed? I don't think anybody knows."

Leavitt said if the system does need to be changed, it needs to start in the Legislature. "We're responding in the department to legislation . . . defining [child welfare] rules," he said. "I do know that we're committed to finding the balance between preserving families and responding to children."

## Congratulations to Cosette Mills!

*By Richard Anderson*

Robin Arnold-Williams, Human Services Executive Director, presented **Cosette Mills** with the Department "Manager of the Year" Award in the state office staff meeting last Thursday. Cosette received a beautiful plaque, a cash award, flowers, and a chance in the competition for the State of Utah Manager of the Year Award.

Cosette is a well-deserved recipient. She is knowledgeable and stays abreast of all policies, practices, and nuances that are required in her work with federal and state regulations, especially regarding funding. This past year, Cosette and the region eligibility staff have moved DCFS's capability to collect accurately and effectively to new heights. Not only has this helped us to provide more services, but also allowed the Department to pass a portion of the single audit (IV-E funding) that we've not passed before. Not only is Cosette knowledgeable and skilled in her assignments in DCFS, she is a great team player and a pleasure to work with on any assignment. On the day Cosette received the award, you could see on the faces of those present that they knew there was no one more deserving.

## This "Acting Director" Job...

*By Richard Anderson*

It must be evident to all of you that the role of acting director for DCFS is one very exciting position--especially when you are also the deputy director and, even more especially, when the director of strategic improvements position (which included the Milestone Plan tracking, amongst many other duties) was already vacant. I may as well confess that the story you are hearing about my throwing my Daytimer in a garbage can full of water is true. After lunch one day, I ran up the stairs to the back door of the building and rushed into the office for a meeting. When I arrived at my office, I decided to take a phone call that had been forwarded to me before dashing into the meeting I was to attend. The call required that I look at my calendar. For some reason, I couldn't find my Daytimer. I asked Mary Steck if she would help me while I was on the call and get my Daytimer out of my car for me. Mary returned, saying the Daytimer wasn't in my car. At that point, Paula Loakes offered to go and try to find it. Paula returned with a water-soaked Daytimer. She had found it floating in a garbage can full of rainwater. I had rushed out of my car with garbage in one hand and the Daytimer in the other. I remember reaching the back door with garbage in my hand, wondering why I still had it, and tossing it into a nearby trash can. I

guess when I had run upstairs from the parking garage, I had thrown the Daytimer in the first trash can I had come to, thinking I was tossing the garbage.

Now that I've confirmed what you have always known (that I have lost what mind I may have had), let me do some "thank you's." All of you have been very kind. I have received supportive e-mails, offers to delay personal meetings with me to a time less pressured for me, and offers to pick up some of the responsibility. To all of you in the regions, thanks for being what I have always known you to be: responsible and caring professionals. To the state office staff, I owe a great debt of gratitude. Every day I have at least one person come to me and ask if there is anything they can do to help me. What a great place to work! Thanks for all your support in this time of transition.

## Child Support for Children in Care

*By Kathryn Cooney, Office of Recovery Services*

The Office of Recovery Services (ORS) is charged with the responsibility of establishing, collecting, and enforcing child support on behalf of children in the care and/or custody of the state. Collections are made on behalf of children placed in secure youth corrections facilities, foster homes, residential treatment programs, nursing homes, the state hospital, etc. The funds collected on behalf of children served by the Department go back to the programs providing the services, thereby supporting the programs and offsetting some of the cost of care.

As caseworkers serving children placed in the care and/or custody of the state and their families, you deal with a myriad of tasks, decisions, issues, and emotions, not the least of which is the often confused and angry response of the child's family. How often have you been confronted with a family's questions regarding their child support obligation? Do families tell you that they cannot afford to pay child support? Do they ask you to help? There are several ways you can help families during this time:

- Be aware of what the family is being told by the Juvenile Court. Juvenile Court judges are required by law to inform parents, both verbally and in writing, of their obligation to support their child while the child is in the care/custody of the state. A stand-alone child support order, which details this obligation, is used at shelter hearings and detention hearings. The parents are given a copy.
- Encourage families to cooperate with ORS. The above-mentioned order also advises parents to cooperate with ORS in determining the amount of child support. If the parents are cooperative, the law provides for a child support credit for the first 60 days a child is in care (for only the first episode of care and if a current child support order does not already exist). This can be a substantial benefit for most families.
- Advise families to contact ORS with any questions or concerns they may have about the amount they are required to pay, any significant change in circumstances, or to learn of the status of their case.
- Become familiar with the ORS Waiver and/or Deferral Request Process. This process exists to respond to individual family circumstances and can be used to request a reduction and/or postponement of child support payments. A waiver request is initiated by the agency responsible for a child's care and is usually in response to hardship observed by the caseworker or expressed by the family. This process should be initiated after the administrative adjudication process is

complete, not before. Waiver requests are appropriate in response to unpreventable losses or expenditures of income. Examples include: uninsured medical expenditures, uninsured damage to a home, and temporary loss of employment due to disability or lay off. A waiver or deferral may also be requested if the DCFS or Institution Director determines that collection of child support may interfere with the treatment of the child or prevent family reunification. It is generally not appropriate to request that no child support be paid. However, requests to reduce and/or postpone payment due to these situations can be reviewed by ORS. When child support amounts are determined, current earnings and children in the home are always taken into account. ORS will generally reject requests that ask for reduction or postponement of child support payments due to reduction in a family's standard of living or if paying support is placing stress on the parents because there are other non-essential debts in the household. Child support is considered a primary obligation, so other consumer debts and obligations will not usually affect the child support amount. If ORS does not agree with the recommendation of DCFS or Institution, the matter is referred to the Executive Director of the Department for final determination on the waiver/deferral request. It is important to note, when requesting a waiver/deferral, that the potential reduction in child support collections equals a reduction in revenue to support the agencies' programs.

DHS Form 602, Child Support Good Cause Deferral/Waiver is attached hereto and can be found in SAFE by selecting "Forms" then choosing the "Out-of-Home Folder." The form will also be available to print from the ORS web site in the near future. The form includes specific instructions for completing the form and obtaining the required signatures. For questions regarding this process, please contact Gayle Carter, Associate Regional Director, Bureau of Children in Care at 801-536-8764.

## To Make Your Life Easier...Using SAFE Optimally

*By Robert Lewis*

### **Progress in Getting SCF Cases Open Quickly After Removal**

Figures for SCF cases opened during the past three months show that many of our regions and offices are still struggling to make their procedures work to get SCF cases opened quickly. As we noted six months ago:

When SCF case creation is delayed in SAFE, several bad things happen: there is no place to record foster worker and health care worker activity, action items may be overdue immediately when the case does get created, workload counts are under-reported for that worker and region/office, etc.

A goal has been encouraged that SCF case creation be completed within seven calendar days of removal. Here are averages for the period January 1<sup>st</sup> through March 19<sup>th</sup> of this year:

Region	Average Days
Northern	5.9
Eastern	8.1
Western	8.2
Southwest	9.0
Salt Lake Valley	14.7
Statewide	<b>9.6</b>

How does Northern Region do it?

## New and Improved KIDS COUNT and Online Census Data

*By Carol Miller*

I received an important e-mail from The Annie E. Casey Foundation about the new KIDS COUNT book and their updated web site, and I felt I should share it with you.

The Annie E. Casey Foundation is pleased to announce the launch of the redesigned KIDS COUNT section of its web site. All of the information and functionality of KIDS COUNT has been retained, but with a more up-to-date, user-friendly portal design. We hope you like the new look!

KIDS COUNT has also compiled data on children from the 2000 U.S. Census into an easily-navigated interactive database. You can quickly view profiles and download these raw data for states, counties, cities (population greater than 100,000), and congressional districts.

Visit <http://www.aecf.org/kidscount/> for KIDS COUNT compiled Census data, online databases, publications, special reports, and more.

## GOOD CAUSE DEFERRAL/WAIVER

1. This form must be completed by the worker and submitted to the Region Director or Supervisor for any case where the caseworker is requesting ORS to postpone or waive collection of current or past-due child support. If the Director or Supervisor does not agree with the waiver request, it will be returned directly to the caseworker as denied. The Director or Supervisor will forward it to ORS if he or she agrees with the request.
2. ORS will review the waiver request to verify compliance with state and federal law and with established waiver criteria, and to verify any financial information used in the request. ORS will forward the request to the Division Director (or designee) designating either agreement or disagreement. If the Division Director (or designee) and ORS disagree about the waiver, it will be sent with comments to the Executive Director of the Department (or designee) for a decision. The Executive Director or designee will inform both ORS and the Division Director of the decision.
3. The Caseworker must be very specific in the justification for the request and give enough detail for the Director of the referring agency to make a determination. **A request for a waiver or postponement of support payments should be based on facts, explaining that the present family has been encumbered by an unpreventable loss of income or extraordinary and necessary expenses not considered at the time the order was established.**

**The Agency hereby requests the Office of Recovery Services to suspend the collection of child support in the following case(s):**

PARENT(S):		SS#:
		SS#:
CHILD(REN):	DOB:	SS#:
	DOB:	SS#:
	DOB:	SS#:
	DOB:	SS#:

**SPECIFIC REASON FOR THE REQUEST:** [Describe in detail how the collection of a support amount would be unjust, inappropriate, or not in the best interest of the child(ren) in this particular case. Use back of form or additional paper if needed.] Please refer to established waiver criteria.

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**PARENTS' CURRENT PAYMENT ARRANGEMENT WITH ORS:** (Describe)

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THIS REQUEST APPLIES TO THE FOLLOWING: <input type="checkbox"/> Postponement or <input type="checkbox"/> Waiver of <input type="checkbox"/> Current or <input type="checkbox"/> Past-Due Child Support		
REQUEST FOR DEFERRAL FOR: <input type="checkbox"/> 3 Months <input type="checkbox"/> 6 Months <input type="checkbox"/> Other: _____ <input type="checkbox"/> Permanent Waiver of Collection		
Worker:	Phone:	Date:
Supervisor:	Phone:	Date:

☐ AGREE ☐ DISAGREE  
COMMENTS:

REGION DIRECTOR \_\_\_\_\_

Date \_\_\_\_\_

RESPONSE FROM ORS:  
☐ AGREE ☐ DISAGREE  
COMMENTS:

Date \_\_\_\_\_

MANAGER, ORS (or Designee) \_\_\_\_\_

Phone \_\_\_\_\_

☐ APPROVED ☐ DENIED  
COMMENTS:

DIVISION DIRECTOR (or Designee) \_\_\_\_\_

Date \_\_\_\_\_

☐ APPROVED ☐ DENIED  
COMMENTS:

DHS EXECUTIVE DIRECTOR (or Designee) \_\_\_\_\_

Date \_\_\_\_\_